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22 TORRANCE POLICE DEPARTMENT

23
24 UNITED STATES DISTRICT COURT
25
26 CENTRAL DISTRICT OF CALIFORNIA

27 ROBERT THOMSON,
28 Plaintiff,
vs.

TORRANCE POLICE DEPARTMENT
and THE LOS ANGELES COUNTY
SHERIFFS DEPARTMENT,
Defendants.

Case No. CV11-06154 SJO (JCx)
Date Action Filed: July 26, 2011

Assigned to:
U.S. District Judge S. James Otero

DEFENDANT TORRANCE POLICE
DEPARTMENT'S EVIDENTIARY
OBJECTIONS TO EVIDENCE CITED
IN PLAINTIFF'S REPLY BRIEF RE
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT

Motion Hearing Date: Feb. 27, 2012
Time: 10:00 a.m.
Courtroom: 1- 2nd Floor
Location: Spring Street

1 Defendant TORRANCE POLICE DEPARTMENT (“TPD”) objects to
 2 Plaintiff’s Reply Brief in his Motion for Summary Judgment as follows:

3 Plaintiff’s Reply Brief sets forth alleged quotes from certain depositions of
 4 L.A. County Sheriff Department (“LASD”) employees from some unidentified case
 5 to which the TPD was not a party. Plaintiff has not requested that judicial notice be
 6 taken of the deposition transcripts from which the statements were purportedly
 7 taken, and Plaintiff has not provided the Court or the TPD with certified copies of
 8 deposition transcripts to verify that his quotations are accurate. Moreover, LASD
 9 employees are not TPD employees, and thus have no percipient knowledge of the
 10 TPD’s CCW policy and/or how it is enforced.

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12 **I. EVIDENTIARY OBJECTIONS**

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14 Material Objected to:	15 Grounds for Objection:	16 Ruling:
15 1. Pg. 3, lines 15-23: 16 “Q. Can you provide any support 17 for how your policy of drastically 18 restricting the issuance of CCW 19 permits prevents violence? 20 A. I -- I think just the -- putting 21 more guns on the street, I think 22 could clearly create much more 23 violence in the County of Los 24 Angeles, and I think we need to 25 restrict the number of weapons 26 that are available on the streets 27 legally.	15 FRE 602/702. Lack of Foundation. 16 Plaintiff has not provided a 17 certified deposition transcript from 18 which the alleged statements were 19 taken. Further, an employee of 20 LASD does not have the requisite 21 foundation to testify on policy 22 interests related to TPD's CCW 23 policy. 15 FRE 1002. Best Evidence Rule. 16 The best evidence of the purported	15 Sustained: 16 _____ 17 _____ 18 Overruled: 19 _____ 20 _____ 21 _____ 22 _____ 23 _____ 24 _____ 25 _____ 26 _____ 27 _____

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1	Material Objected to:	Grounds for Objection:	Ruling:
2	Q. Last year, how many weapons 3 were stolen from permit holders 4 outside of their home?.... 5 A. I don't know. Deposition of 6 Larry Waldie Page 25 Line 13-25 7 Q How does your restrictive 8 policy regarding CCW's protect 9 against gun violence in the 10 community at large? 11 A. Basically, restricting the 12 number of weapons that possibly 13 could get on the street and lead to 14 violent and inappropriate manner. 15 Deposition of Undersheriff 16 Waldie at page 32, line 22 to page 17 33 line 4."	contents of any testimony from a deposition is a transcript of the deposition itself, which Plaintiff does not provide. FRE 801/802/804. Hearsay. Plaintiff has made no showing that Undersheriff Waldie was unavailable for testimony or that he attempted to depose him in this action. Further, the testimony cannot be offered against the TPD, which was not a party to whatever litigation the deposition testimony comes from.	
18		FRE 402. Relevance. Testimony 19 from a LASD employee on his 20 understanding of policy 21 implications and facts has no 22 relevance to TPD's CCW policy.	
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24	2. Pg. 4, lines 9-17: 25 "Q Do gang members ever apply 26 for CCW permits from you? 27 A They may. I do not know.	FRE 602/702. Lack of foundation. Plaintiff has not provided the actual deposition transcript.	Sustained: _____ _____ Overruled:
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